



Federal Communications Commission
Washington, D.C. 20554

February 25, 2011

DA 11-360

VIA EMAIL AND FACSIMILE

Mr. Mick Vollmer
ORION Steering Committee Chair
IT Administrator, Department of Communications and Technology
City of Virginia Beach
2405 Courthouse Drive
Virginia Beach, Virginia 23456-9115

Re: ORION Expansion Frequencies – Request for Extension of Interim Waiver Relief and
Renewal of Special Temporary Authorization (STA)

Dear Mr. Vollmer:

This letter grants your request, dated January 25, 2011,¹ for an extension of the September 7, 2010,² Policy Division, Public Safety and Homeland Security Bureau grant in part of interim waiver relief and special temporary authorization (STA), permitting the Overlay Regional Interoperability Network (ORION) to continue to use five pre-consolidation State License channels³ located at sites in York, Gloucester, Surry, and James City Counties, Virginia, from March 1, 2011, through August 31, 2011.

On September 7, 2010, the Policy Division, Public Safety and Homeland Security Bureau granted interim relief and special temporary authority to use 10 pre-construction 700 MHz State License channels at 14 sites across the Hampton Roads area of southeastern Virginia, from August 1, 2010, through February 28, 2011. The initial ORION request consisted of seven RF remote sites utilizing a 5-channel 700 MHz P25 digital simulcast system in the Hampton Roads area of southeastern Virginia.⁴ It further noted that the Commonwealth of Virginia was awarded an Urban Area Security Initiative (UASI) grant in 2007, for expansion of the ORION system coverage to the northwest area of the Hampton Roads region

¹ See Letter from Mr. Mick Vollmer, IT Administrator, City of Virginia Beach, to David Furth, Deputy Chief, Public Safety and Homeland Security Bureau, PS Docket No. 06-229, filed February 2, 2011 (Renewal Request); *see also* Letter from Mr. Mick Vollmer, IT Administrator, City of Virginia Beach, to Jeannie Benfaida, Policy Division, Public Safety and Homeland Security Bureau, PS Docket No. 06-229, dated July 29, 2010 (Waiver Request). On July 30, 2010, the Policy Division of the Public Safety and Homeland Security Bureau granted a verbal STA to Virginia Beach for a period of thirty days, beginning August 1, 2010, through August 31, 2010, to permit testing and operations using pre-consolidation narrowband State License frequencies at the ORION expansion sites; namely, York, Gloucester, Surry, and James City Counties. *See* July 30, 2010, email from Jeannie Benfaida, Policy Analyst, Policy Division, Public Safety and Homeland Security Bureau, to Todd Lane, Coordinator, ComIT Telecommunications, City of Virginia Beach.

² See Letter Order, dated September 7, 2010, from Chief, Policy Division, Public Safety and Homeland Security Bureau, to Mick Vollmer, IT Administrator, City of Virginia Beach (September 7 Interim Relief Grant), 25 FCC Rcd 12740 (PSHSB 2010) granting relief from August 1, 2010, until February 28, 2011.

³ The channels subject to the instant request are 689-690/774.30625, 733-734/774.58125, 805-806/775.03125, 849-850/775.30625, and 885-886/775.53125 MHz.

⁴ Waiver Request at 1.

which include the counties of York, Gloucester, Surry and James City Counties,⁵ and that the sites have been programmed to use the pre-consolidated frequencies and were undergoing testing.”⁶ The request stated that “[d]ue to the grant closeout requirements and associated timelines (August 2, 2010) there is insufficient time to reband these sites to the post consolidated frequencies.”⁷

In the instant Renewal Request you explain that during the course of the last five months you have worked with the Commonwealth of Virginia to use the same frequencies, and have contracted for equipment and services with Motorola to retune the infrastructure beginning June 2, 2011, with a completion date of August 31, 2011.⁸ You further explain that approval of the instant request will provide “adequate time to reband the majority of the system subscribers and infrastructure at all 14 ORION radio sites with the post-consolidation frequencies, resulting in a better coordinated rebanding effort, reduced costs to the FCC and Verizon, and will free up the pre-consolidation spectrum.”⁹

In our *September 7 Interim Relief Grant*, we noted that a further request for extension of time and STA may be warranted.¹⁰ Upon review of the instant Renewal Request, and pursuant to Section 1.3 of the Commission’s rules, 47 C.F.R. § 1.3, and on our own motion, we find that extension of waiver relief and STA is consistent with the public interest. Specifically, we find that grant of additional time will enable ORION to reband the majority of the system subscribers and infrastructure at all 14 ORION radio sites with the post-consolidation frequencies. While consolidation of the 700 MHz band places three channel pairs of the five channel pairs (Channel 805-806/775.03125, Channel 849-850/775.30625 and Channel 885-886/775.53125) in the B block Guard Band, a commercial wireless allocation, we find it appropriate to permit temporary operations in the B block Guard Band, given the limited duration of the requested relief and the secondary status of the STA. We also anticipate that this extension of time, coupled with the interim relief granted previously, will be sufficient for ORION to complete rebanding of its system by August 31, 2011. Grant of STA may not exceed 180 days as provided by Section 309(f) of the Communications Act, as amended.¹¹ Accordingly, we limit the requested relief to 180 days from March 1, 2011, until August 31, 2011.

Accordingly, IT IS ORDERED pursuant to Sections 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(f) and Section 1.3 of the Commission’s rules, 47 C.F.R. § 1.3, that the extension of interim relief and renewal of Special Temporary Authority filed by the City of Virginia Beach, Department of Communications and Information Technology, on behalf of the Overlay Regional Interoperability Network, dated January 25, 2011, IS GRANTED.

IT IS FURTHER ORDERED that the Special Temporary Authorization granted pursuant to this letter shall expire on August 31, 2011.

⁵ *Id.* at 2.

⁶ *Id.*

⁷ *Id.*

⁸ *See* Renewal Request at 1.

⁹ *Id.* at 2.

¹⁰ *See* September 7, 2010 PSHSB Policy Division, Interim Waiver Relief and Special Temporary Authority, 25 FCC Rcd 12740 (PSHSB PD 2010) (September 7 Interim Relief Grant).

¹¹ 47 U.S.C. § 309(f), as codified in 47 C.F.R. § 1.93(a).

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

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